

Filed for intro on 02/01/95  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_

House Bill No.HB0298  
By DeBerry

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4 and Section 40-35-114, relative to the establishment of Drug-Free School Zones.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following as a new section:

(a) It is the intent of this section to create Drug-Free School Zones for the purpose of providing all students in this state an environment in which they can learn without the distractions and dangers that are incident to the occurrence of drug activity in or around school facilities. The enhanced and mandatory minimum sentences required by this section for drug offenses occurring in a Drug-Free School Zone are necessary to serve as a deterrent to such unacceptable conduct.

(b) A violation of Tennessee Code Annotated, Section 39-17-417, or a conspiracy to violate such section, that occurs on the grounds or facilities of any school, school bus or school bus stop or within one thousand feet (1,000') of the real property that comprises a public or private elementary school, middle school or secondary school

shall be punished one (1) classification higher than is provided in Tennessee Code Annotated, Section 39-17-417(b)-(i) for such violation.

(c) Notwithstanding any other provision of law or the sentence imposed by the court to the contrary, a defendant sentenced for a violation of subsection (b) of this section shall be required to serve at least the minimum sentence for such defendant's appropriate range of sentence. Any sentence reduction credits such defendant may be eligible for or earn shall not operate to permit or allow the release of such defendant prior to full service of such minimum sentence.

(d) Notwithstanding the sentence imposed by the court, the provisions of title 40, chapter 35, part 5, relative to release eligibility status and parole shall not apply to or authorize the release of a defendant sentenced for a violation of subsection (b) of this section prior to service of the entire minimum sentence for such defendant's appropriate range of sentence.

(e) Nothing in the provisions of title 41, chapter 1, part 5, shall give either the governor or the board of paroles the authority to release or cause the release of a defendant sentenced for a violation of subsection (b) of this section, prior to service of the entire minimum sentence for such defendant's appropriate range of sentence.

(f) Nothing in this section shall be construed as prohibiting the judge from sentencing a defendant who violated subsection (b) of this section to any authorized term of incarceration in excess of the minimum sentence for the defendant's appropriate range of sentence.

(g) The sentence of a defendant who, as the result of a single act, violates both subsection (b) of this section and Tennessee Code Annotated, Section 39-17-417(k), may only be enhanced one (1) time under such sections for each such act. The state must elect under which section it intends to seek enhancement of such defendant's sentence and shall provide notice of such election pursuant to Tennessee Code Annotated, Section 40-35-202.

SECTION 2. Tennessee Code Annotated, Section 40-35-114, is amended by deleting from subsection (4) the words "public or private school building".

SECTION 3. This act shall take effect July 1, 1995, the public welfare requiring it.